

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARTIN GARCIA and LETICIA PEREZ,) Case No.: CV12-09035 MWF(CWx)
in each case individually and as successor in) [Assigned to District Judge Michael
interest of STEVE RODRIGUEZ, deceased,) Fitzgerald and Magistrate Judge
Plaintiffs,) Carla Woehrle]

vs.

CITY OF MONTEREY PARK;)
MONTEREY PARK POLICE)
DEPARTMENT; JIM SMITH, as an)
individual and as Chief of Police;)
MONTEREY PARK FIRE)
DEPARTMENT; JAMES BIRRELL, as an)
individual and as Fire Chief; PETER)
PALOMINO, an individual; EVERADO)
ROMO, an individual; and DOES 1-50,)
inclusive)

Defendants.

[PROPOSED] PROTECTIVE ORDER

Defendants CITY OF MONTEREY PARK, JIM SMITH, JAMES BIRRELL,
PETER PALOMINO and EVERADO ROMO and plaintiffs MARTIN GARCIA and
LETICIA PEREZ, in each case individually and as successor in interest of STEVE
RODRIGUEZ, deceased, submit their Joint Stipulation and [Proposed] Protective
Order before this Court.

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1 The Court has read and considered all of the papers filed in support of this
2 stipulation. Good cause appearing, this Court makes the following orders.

3 **IT IS THEREFORE ORDERED** that the Joint Stipulation and Protective
4 Order Thereon is **GRANTED** as follows:

5 **TERMS OF THE PROTECTIVE ORDER**

6 Plaintiffs' counsel shall have sole custody and control over the documents
7 identified in paragraph 1 of the parties' Joint Stipulation and Protective Order

8 Documents set forth in paragraph 1 of the parties' Joint Stipulation and
9 Protective Order are deemed confidential, except to the extent set forth in the Joint
10 Stipulation and Protective Order, and shall be used solely in connection with this
11 litigation and the preparation and trial of this case, or any related appellate
12 proceedings, and not for any other purpose, including any other litigation, and may
13 not be disclosed or disseminated to other persons, including any other counsel other
14 than as set forth herein;

15 Plaintiffs' counsel alone will have custody, control and access to the
16 documents, reports and writings, and will be prohibited from releasing or
17 disseminating the reports or files, or the information contained within the reports or
18 files to other persons including legal counsel other than set forth in paragraph 18 of
19 the parties' Joint Stipulation and Protective Order;

20 Plaintiffs' counsel may make copies of the reports and files, but plaintiffs'
21 counsel will be prohibited from releasing or disseminating such copies or the
22 information contained within such copies other than as set forth herein;

23 The documents identified in paragraph 1 of the parties' Joint Stipulation and
24 Protective Order may be submitted in all law and motion proceedings if done so
25 pursuant to Local Rule 79-5 which states:

26 **L.R. 79-5.1 Filing Under Seal or In Camera-Procedures.** Except
27 when authorized by statute or federal rule, or the Judicial Conference
28 of the United States, no case or document shall be filed under seal or
in camera without prior approval by the Court. Where approval is
required, a written application and a proposed order shall be

1 presented to the judge along with the document submitted for filing
2 under seal or in camera. The proposed order shall address the sealing
3 of the application and order itself, if appropriate. The original and
4 judge's copy of the document shall be sealed in separate envelopes
5 with a copy of the title page attached to the front of each envelope.
6 Conformed copies need not be placed in sealed envelopes. Where
7 under-seal or in-camera filings are authorized by statute or rule, the
8 authority therefor shall appear on the title page of the proposed filing.
9 Applications and proposed orders to seal or file in camera, along with
10 the material to be sealed or submitted in camera, shall not be
11 electronically filed but shall be presented to the Clerk for filing in
12 paper format, in the manner prescribed by Local Rule 79-5. Unless
13 the filer is exempted from electronic filing pursuant to L.R. 5-4.2(a), a
14 Notice of Manual Filing shall first be electronically filed identifying
15 the materials being manually filed. A copy of the Notice of
16 Manual Filing, together with its NEF (see L.R. 5-3.3), shall be presented
17 with the documents presented for filing.

18 **L.R. 79-5.2 Confidential Court Records - Disclosure.** No sealed or
19 confidential record of the Court maintained by the Clerk shall be
20 disclosed except upon written order of the Court.

21 **L.R. 79-5.3 Procedure for Disclosure of Confidential Court
22 Records.** An application for disclosure of sealed or confidential court
23 records shall be made to the Court in writing and filed by the person
24 seeking disclosure. The application shall set forth with particularity
25 the need for specific information in such records. The procedures of
26 L.R. 7-3 *et seq.* shall govern the hearing of any such application.

27 All disputes regarding this Protective Order shall be handled pursuant to Local
28 Rule 37.

19 The documents may be disclosed to the following persons:

- 20 (a) counsel for any party to this action;
- 21 (b) paralegal, stenographic, clerical and secretarial personnel regularly
22 employed by counsel referred to in paragraph (a);
- 23 (c) court personnel including stenographic reporters engaged in such
24 proceedings as are necessary incident to preparation for the trial in this
25 action;
- 26 (d) any outside expert or consultant retained in connection with this action,
27 and not otherwise employed by either parties;
- 28 (e) any "in-house" or outside experts designated by the defendants to testify

1 at trial in this matter; and

2 (f) any party or witnesses to this action.

3 Any documents so disclosed will explicitly require inclusion of a copy of this
4 Protective Order as well as the parties' Joint Stipulation and Protective Order and
5 written instructions from counsel directing compliance with same.

6 If, in connection with any deposition taken in this action, plaintiffs' attorneys
7 question a witness regarding materials subject to this Protective Order, or uses
8 confidential material as deposition exhibits, at the request of defense counsel, the
9 transcripts of such deposition testimony and the attached exhibits shall be designated
10 as confidential material and shall be subject to the provisions of the parties'
11 Stipulation and Protective Order.

12 The purpose of the parties' Joint Stipulation and Order is not intended to
13 prevent officials or employees of the City of Monterey Park or other authorized
14 government officials from having access to the documents if they would have had
15 access in the normal course of their job duties.

16 The Court notes as follows: Defendants' decision to enter into the parties' Joint
17 Stipulation and Protective Order is made without waiver of the privileges and rights
18 afforded to them, including, but not limited to, the right to privacy embodied by the
19 United States Constitution or the right to object at the time of trial to the admissibility
20 of such or to preclude defendants from filing pre-trial motions with regard to the
21 admissibility thereof or the information contained therein.

22 The Court notes as follows: Plaintiffs' counsel does not agree or stipulate that
23 any privilege as asserted by defendants herein applies or attaches to the documents
24 which are the subject of the parties' Joint Stipulation and Protective Order .
25 However, in the interest of case momentum and conserving judicial resources,
26 Plaintiffs' counsel agrees to maintain the documents in agreement with the terms of
27 the parties' Joint Stipulation and Order.

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1 The provisions of this Protective Order shall be in effect until further Order of
2 the Court or Joint Stipulation by counsel for the parties.

3 **IT IS SO ORDERED.**

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5 DATED: April 12, 2013

Carey M. Woerner

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United States Magistrate Judge

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1 Respectfully submitted by:

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